

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Classic Maritime Inc, §
Plaintiff, §
v. § Civil Action No. 1:21-cv-83
XCoal Energy and Resources LLC D/B/A/ §
XCoal Energy and Resources § Admiralty Rule 9(h)
Defendant. §

WRIT OF ATTACHMENT

TO: UNITED STATES MARSHAL
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
(or designated Process Server)

WHEREAS a Verified Complaint in the above-styled *in personam* proceeding was filed in the United States District Court for the Western District of Texas on January 27, 2021, in a certain action for breach of maritime contract wherein it is alleged that there is due and owing from Defendants to Plaintiff the amount of \$5,941,315.55 and praying for process of maritime attachment and garnishment against the Defendants, and for the attachment of goods and chattels of said Defendants;

NOW, therefore, we do hereby empower and strictly charge and command you, the said Marshal (or designated process server), to cite and admonish the said Defendants, if they shall be found in your district, to appear before the said District Court, at the U.S. District Courthouse for the Western District of Texas, Austin Division, and if the Defendants cannot be found within this District pursuant to Supplemental Rule B, that you attach and restrain all tangible and intangible

property in the District of defendants XCOAL ENERGY AND RESOURCES LLC and XCOAL ENERGY AND RESOURCES to the amount sued for, in the hands of garnishees in this District, including but not limited to any cash, goods, chattels, credits, bills of lading, debts, effects and monies, funds, accounts, letters of credit, freights, sub-freights, charter hire, sub-charter hire, or other tangible or intangible property which belongs to, is claimed by, being held for or on behalf of, or which is being transferred for the benefit of the above named Defendants, including but not limited to such property situated in the bank account(s) at one or more of the following financial institutions:

Citibank, N.A.

PNC Bank, N.A.

And if no goods and chattels can be found, that you attach the debts, credits and effects of Defendants to the amount sued for, in the hands of any garnishees named in the Verified Complaint as may be found.

You are also directed to notify the said garnishees that:

1. A foreign attachment has been commenced against the Defendants;
2. The garnishee is required to file in the office of the Clerk of the United States District Court for the Western District of Texas within twenty (20) days from the service of this Writ, a report, under oath, setting forth in detail all debts owing by the garnishee to the Defendants; all property of the Defendants in the possession, custody or control of the garnishee or to which the garnishee holds legal title; all property which is held by the garnishee as fiduciary

in which the Defendants has an interest; and whether any property attached is immune or exempt from attachment; and

3. The garnishee is enjoined from paying any debt to or for the amount of Defendants, and from delivering any property owned by the Defendants to or for the account of the Defendants or otherwise disposing thereof.

If the property of the Defendants is found in the possession of anyone not a garnishee, you are directed to notify him that he has been added as a garnishee, is directed to file a report, and is enjoined as above stated.

Amount of Plaintiffs' claim: \$5,941,315.55, including estimated interest.

Date: January _____, 2021.

CLERK, UNITED STATES DISTRICT COURT

Note: This process is issued pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.